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CLERK U.S. DISTRICT COURT  
CENTRAL DIST. OF CALIF.  
SANTA ANA

BY: *W*

THOMAS C. DANIELS  
tdaniels.esq@gmail.com  
6215 Reno Ave.  
Temple City, CA 91780  
Telephone: (714) 504-9397  
Facsimile: (928) 832-4247  
Plaintiff, *Pro Se*

UNITED STATES DISTRICT COURT  
CENTRAL DISTRICT OF CALIFORNIA

Thomas Clifton Daniels,  
Plaintiff,

vs.

Social Security Administration,  
Defendant

) Case No.: CV13-00010-SVW (RZx)  
)  
) COMPLAINT FOR DECLARATORY  
) AND INJUNCTIVE RELIEF  
)  
) Privacy Act, 5 U.S.C. §552a  
)  
)  
)  
)

**INTRODUCTION**

1. More than sixteen months after requesting records regarding a retaliatory personnel action taken against the Plaintiff for making a disclosure protected under the Whistleblower Protection Act, 5 U.S.C. §2302(b)(8), and more than nine months after again requesting the records explicitly under the Privacy Act, 5 U.S.C. §552a, Plaintiff, Thomas Clifton Daniels, an employee of the Social

PAID  
\$50.00  
1/5-16/13

1 Security Administration (SSA), now seeks declaratory and injunctive relief to  
2 compel the disclosure and release of agency records improperly withheld from him  
3 by SSA.

4         2. On August 15, 2011, Plaintiff filed a request with SSA seeking the  
5 disclosure of agency records pertaining to Plaintiff and the retaliatory charges SSA  
6 had brought against him for Plaintiff's January 26, 2011 disclosure that an SSA  
7 Administrative Law Judge (ALJ) had violated SSA policy, regulations and laws in  
8 wrongfully granting disability benefits to a particular claimant. Plaintiff had  
9 asserted that the ALJ's legally insufficient decision would cause the gross waste of  
10 hundreds of thousands of taxpayer dollars. In response to this disclosure, SSA  
11 officials conspired and colluded to retaliate against Plaintiff, eventually ordering  
12 Plaintiff's two-week suspension for, *inter alia*, "conduct unbecoming a federal  
13 employee."

14         3. On August 17, 2011, SSA responded to Plaintiff's initial request by  
15 providing nine pages of notes and emails, and nothing further. Plaintiff was  
16 advised "you are free to submit a FOIA request through the agency's normal  
17 process for any other information."

18         4. Plaintiff had previously filed a whistleblower reprisal complaint with  
19 the U.S. Office of Special Counsel (OSC) on August 9, 2011, alleging SSA  
20 Deputy Commissioner Glenn Sklar, Chief ALJ Debra Bice, Regional Chief ALJ  
21 William J. King, Jr., et al., had conspired and colluded to seek reprisals against  
22 Plaintiff for his protected disclosures. Between August 2011 and March 31, 2012,  
23  
24  
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1 OSC conducted its investigation under OSC File No. MA-11-3507, obtaining some  
2 of the information Plaintiff had sought in his initial request. Because that  
3 information was collected in the course of a law enforcement action, it was not  
4 releasable to Plaintiff under the Privacy Act. Although OSC reported to Plaintiff  
5 that it had found sufficient evidence that SSA officials had violated the Prohibited  
6 Personnel Practices outlined in 5 U.S.C. §2302(b)(8) & (9), it appeared to the  
7 Plaintiff that OSC would allow the perpetrators to be excused of any responsibility  
8 for their retaliatory actions.  
9

10 5. Accordingly, Plaintiff fully expected OSC to balk at taking the action  
11 before the Merit Systems Protection Board (MSPB) for corrective action.  
12 Therefore, on March 2, 2012, Plaintiff submitted his second request, styled a  
13 "Privacy Act Request," wherein Plaintiff again sought all documents and writings  
14 concerning the retaliatory actions senior SSA management officials had taken  
15 against Plaintiff for his protected disclosures. Plaintiff twice followed-up, in  
16 writing, with SSA's Office of Privacy and Disclosure, each time to go wholly  
17 ignored. In his second follow- up, Plaintiff advised SSA that if he did not receive a  
18 response by May 3, 2012, he would assume the agency had elected not to honor the  
19 Privacy Act request. For over seven months, SSA has refused to respond in  
20 anyway whatsoever.  
21

22 6. The documents sought by Plaintiff go to the heart of the Privacy Act's  
23 statutory aims of allowing citizens to know what data and records are kept on them  
24 as individuals, and to understand how that information could be used or abused.  
25 As a victim of retaliation by senior SSA officials, Plaintiff is specifically  
26  
27  
28

1  
2 concerned that without access to the records requested, he may never be able to  
3 correct or amend all the records and prevent its further and future misuse.

4         7. Plaintiff has filed this action solely to obtain the information that the  
5 Privacy Act makes available to him. The issues of whistleblower reprisal and  
6 retaliation are only the background for this request. The adjudication of those  
7 issues is rightfully before the MSPB in an Individual Right of Action appeal, and  
8 currently pending as MSPB Docket No. SF-1221-12-0426-W-1.  
9

#### 10                                 **JURISDICTION AND VENUE**

11  
12         8. This Court has federal subject matter jurisdiction over this action and  
13 personal jurisdiction over the parties pursuant to 5 U.S.C. § 552a(g)(5). Because  
14 this action arises under federal law against an agency of the United States, this  
15 Court also has jurisdiction pursuant to 28 U.S.C. §§ 1331 and 1346.  
16

17         9. Venue lies in this district pursuant to 28 U.S.C. § 1402 and 5 U.S.C. §  
18 552a(g)(5).

#### 19                                 **PARTIES**

20  
21         10. Plaintiff, Thomas Clifton Daniels, is a citizen of the United States and  
22 the State of California, and resides in Temple City, Los Angeles County,  
23 California. He is an employee of the Social Security Administration, and his duty  
24 station is in the City of Orange, Orange County, California.

25         11. Defendant, Social Security Administration (“SSA”), is an agency  
26 within the meaning of 5 U.S.C. § 552a(a)(1), and is in possession and/or control of  
27 records pertaining to Thomas Clifton Daniels.  
28

**Cause of Action (Privacy Act – Denial of Access to Records)**

12. Plaintiff repeats and realleges the allegations contained in paragraphs 1 through 11 above, inclusive.

13. By memorandum dated August 15, 2011, Plaintiff, submitted a request to the SSA under for copies of all information maintained about himself, and regarding certain retaliatory actions proposed and later taken against the Plaintiff for his disclosures (Exhibit 1).

14. By email letter dated August 17, 2011, SSA acknowledged receipt provided claimant with nine total pages of materials and advised Plaintiff to file a FOIA request if he wanted any additional information (Exhibit 2).

15. Plaintiff submitted another request to SSA by letter dated March 2, 2012, specifically requesting the same or similar information under the Privacy Act (Exhibit 3).

16. On March 3, 2012, SSA acknowledged receipt of Plaintiff's Privacy Act request and assigned the request case #S9H: AH9207 (Exhibit 4).

17. Plaintiff has, on separate occasions, requested status updates, and reasserted his request for the production of documents, only to have those requests go unanswered by SSA (Exhibits 5 and 6).

18. Plaintiff has exhausted all required and available administrative remedies.

19. Plaintiff has a legal right under the Privacy Act to obtain the information he seeks, and there is no legal basis for the denial by SSA of said right.

1  
2 **WHEREFORE**, Plaintiff, Thomas Clifton Daniels, prays for judgment  
3 against SSA as follows:

4 (a) For declaratory relief declaring that SSA's failure to disclose the  
5 records requested by Plaintiff is unlawful;  
6

7 (b) For injunctive relief ordering SSA to process immediately and  
8 expeditiously Plaintiff's Privacy Act request and upon such processing, to make  
9 available to Plaintiff the requested records;  
10

11 (c) For Plaintiff's actual damages and any reasonable litigation costs  
12 incurred in this action pursuant to 5 U.S.C. § 552a(g)(4); and

13 (d) For such other relief as the Court may deem just and proper.  
14  
15  
16

17 Dated this 2<sup>nd</sup> day of January, 2013

18  
19 

20 THOMAS C. DANIELS  
21 Plaintiff, *Pro Se*  
22  
23  
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# EXHIBIT 1



## SOCIAL SECURITY

### MEMORANDUM

Date: August 15, 2011 Refer To:

To: Layne Herber, Regional Management Officer, Region IX ODAR

From: Thomas C. Daniels, Hearing Office Director, Orange Hearing Office *ACD*

Subject: Request to Review Material Used in Support of Proposed Suspension

Page 11 of the Notice of Proposed Suspension dated August 5, 2011, states in pertinent part:

"You and your representative have the right to review the material relied upon to support the proposed suspension. While the materials relied on to support this proposal are attached, if you and your representative wish to review the material in another format, you may direct your request to me, the proposing official."

There were no attachments to the said document.

Notwithstanding this oversight, and in order to properly respond, I wish to exercise my right to review all material relied upon to support this proposal. Accordingly, I make the following request for production of documents, writings, and materials that can reasonably be inferred to have influence on the decision to propose the said suspension.

I hereby request that you and the SSA respond to this request for production and produce any and all documents, writings, and materials in any format, including but not limited to hardcopy or electronic, which are responsive to any of the following numbered requests within 30 days of the date of service of this request, in accordance with the definitions and instructions below. This request is made consistent with the rights delineated in the Notice of Proposed Suspension, with the Federal Rules of Civil Procedure, and with the Practices and Procedures of the Merit Systems Protection Board (MSPB) as set forth in 5 U.S.C. § 1201.71 et seq.

The following definitions and instructions apply throughout this request for identification and production, unless the context clearly indicates otherwise:

A. This request requires that Layne Herber and the Social Security Administration, hereinafter collectively identified as "you", produce any and all writings, documents, materials, emails, and/or notes in any format responsive to any of the following numbered requests which are in



your possession or control or subject to your control, wherever they may be located. The writings which you must identify and produce include not only writings which you presently possess, but also writings which are in the possession or control of your attorneys, agents, contractors, employees, representatives, or anyone else acting on your behalf.

B. You are requested to produce all writings which are responsive to any of the following numbered requests for inspection and photocopying at 6215 Reno Ave., Temple City, California, at 10:00 a.m. on the thirtieth day following the date of service of this request (or the next business day if that day falls on a Saturday, Sunday or Federal holiday).

C. If you prefer, you may produce all writings which are responsive to any of the following numbered requests by delivering copies of or electronic files containing all such writings on or before the thirtieth day following the date of service of this request to me at the Orange Hearing Office, 1120 W. La Veta Ave., Suite 600, Orange, California 92868.

D. All writings which are responsive in whole or in part to any of the following numbered requests shall be produced in full, without abridgement, abbreviation, expurgation, or redaction of any sort. If any such writings cannot be produced in full, produce the writing to the extent possible and indicate in your written response what portion of the document is not produced and why it could not be produced.

E. The term "writing" as used in this request for identification and production is a broadly inclusive term referring to any and all written or other graphic material, however produced or reproduced, of every kind and description and to everything upon which sounds, words, symbols or pictures are recorded or depicted by magnetic or electrical impulse, photography, or otherwise. The term "writing" includes, by way of example and not limitation, the following and anything similar to any of the following:

1. Letters, telegrams, telexes, cables, emails, TXWs, memoranda, interoffice correspondence, notes, telephone logs/messages, and other forms of correspondence and written communication;
2. Agreements, contracts, policies, handbooks, practice guidelines, reports, studies, records, books, journals, papers, statements, pamphlets, circulars, publications, stenographic notebooks, files and their contents, file folders, file covers, file jackets, and notes;
3. Summaries, abstracts, indexes, tabulations, graphs, charts, lists and inventories;
4. Calendars, desk calendars, appointment books, schedules, logs, telephone messages, diaries, time sheets, minutes of meetings, and transcripts;
5. Pleadings, deposition transcripts, trial transcripts, interrogatories, answers to interrogatories, affidavits, declarations, papers filed or lodged with courts, and papers filed with or sent to or by administrative agencies.
6. Tape recordings, sound reproductions, objects, photographs, motion pictures, microfilm, computer data stored on magnetic tape, computer printouts, data processing cards or tapes, and computer disks or diskettes.

F. You are required to produce not only the original or an exact copy of the original of all writings responsive to any of the following numbered requests, but also all copies of such writings which bear any notes or markings not found on the originals and all preliminary, intermediate, final and revised drafts of such writings.

G. All writings which are responsive in whole or in part to any of the following numbered requests shall identify the numbered request or requests to which they are responsive. Such identifications may be made in a separate response log or chart.

H. It is not intended that this request require production of any writings which are privileged. If you are not producing any writing responsive to any of the numbered requests below on the basis of a claimed privilege, or for any other reason, state the following information:

1. Describe the writing with specificity;
2. Identify the date of the writing;
3. Identify the privilege claimed or other reason why the writing is not produced;
4. State the names and capacities of all persons who participated in the preparation of the writing; and
5. State the names and capacities of all persons to whom the document was circulated or its contents communicated.

#### REQUEST FOR PRODUCTION OF DOCUMENTS

1. The complete contents of Thomas C. Daniels' (Daniels) official and unofficial personnel file.
2. The complete contents of any other files maintained in Daniels' name or regarding Daniels by Layne Herber, William J. King, Jr., the Region 9 Regional Attorney Adviser (either current or past), and/or any other employee of the Social Security Administration.
3. All personnel files of Daniels which have been used to determine Daniels' qualifications for employment, promotion, additional compensation, or disciplinary action, within the meaning of California Labor Code §1198.5.
4. All formal or informal performance appraisals, evaluations, and reviews of Daniels by any employee of the Social Security Administration.
5. All writings containing any reference to Daniels' performance in his current position with the Social Security Administration.

6. All writings which have any notations or comments regarding the job performance, honesty, ability or diligence of Daniels.
7. All writings concerning any written compliments or communications received by any employee concerning Daniels' work, leadership, management, or influence over the Orange Hearing Office.
8. All writings making reference to the decision to propose a suspension of Daniels.
9. All writings regarding, relating, or referring to the investigatory interviews conducted with any employee, including but not limited to Hearing Office Chief ALJ Helen E. Hesse, by any employee of the Social Security Administration regarding the subject matter of your Notice of Proposed Suspension.
10. All writings regarding, relating, or referring to the investigatory interview conducted with Daniels by any employee of the Social Security Administration, and any notice provided to Daniels or any other employee of your intent to conduct said interview.
11. All writings which relate or refer to Daniels' proposed suspension or any reason for Daniels' suspension.
12. All writings which were relied on in making or supporting the decision to propose Daniels' suspension, including but not limited to, all correspondence between any employee of the Region IX Regional Office, Headquarters, Central Office, and/or any other employee or office of the Social Security Administration.
13. All writings regarding or referring to any review or investigation of Daniels' conduct which you relied upon to support the proposed suspension.
14. All writings which support any contention that good cause existed for proposing Daniels' suspension.
15. All writings relating to or referring to any reason for proposing Daniels' suspension.
16. All writings referring or relating to any attempts to counsel or otherwise provide corrective instruction to Daniels concerning any alleged wrongdoing.
17. All organizational charts (or the functional equivalent) which show the chain of authority above and below Daniels.
18. All job descriptions for the current position held by Daniels with the Social Security Administration in effect at any time while Daniels held that position.
19. All writings showing the training courses provided to Daniels prior to January 26, 2011, and all writings regarding the course content, method of instruction, and all written course materials.
20. All writings setting forth job duties or performance standards for persons employed in the position currently held by Daniels with the Social Security Administration.

21. All writings concerning the Social Security Administration's policies or procedures for employee discipline.
22. All writings concerning the Social Security Administration's policies or procedures for disciplining management employees.
23. All employee handbooks, personnel policy manuals, personnel procedure manuals, lists of employee rules, supervisors' handbooks, writings used in seminars on adverse personnel actions as defined in 5 U.S.C. Chapter 75 or discipline given to supervisors and memoranda to supervisors regarding policies or procedures for discipline or termination of employees, but only those printed, typed or used at any time during Daniels' employment with SSA.
24. All employee handbooks, personnel policy manuals, personnel procedure manuals, lists of employee rules, supervisors' handbooks, writings used in seminars on adverse personnel actions as defined in 5 U.S.C. Chapter 75 or discipline given to supervisors and memoranda to supervisors regarding policies or procedures for discipline or termination of management employees, but only those printed, typed or used at any time during Daniels' employment with SSA.
25. All writings setting forth or describing any policies, procedures or general practices of the Social Security Administration regarding the evaluation of employees' job performance, but only those printed, typed or in use during Daniels' employment.
26. All writings setting forth or describing any policies, procedures or general practices of the Social Security Administration regarding the evaluation of management employees' job performance, but only those printed, typed or in use during Daniels' employment.
27. All writings setting forth or describing any policies, procedures or general practices of the Social Security Administration regarding the conduct of investigatory interviews of SSA management officials by other members of management.
28. All writings setting forth or describing any policies, procedures or general practices of the Social Security Administration regarding the Administration's use of investigators outside an employee's chain of command to investigate and recommend personnel actions.
29. All writings setting forth or describing any policies, procedures or general practices of the Social Security Administration regarding the conduct of investigatory interviews wherein the interviewing official is allowed to have legal counsel present but the subject employee is not afforded the same right.
30. All writings describing the policy of the Social Security Administration toward employees who report judicial wrongdoing or error, but only those printed, typed or in use during Daniels' employment.
31. All writings describing the policy of the Social Security Administration toward employees who are engaged in protected whistle blowing activities, but only those printed, typed or in use during Daniels' employment.

32. All writings which describe, discuss, relate, refer to, summarize, analyze or mention error rates of Administrative Law Judges during the period of Daniels employment with SSA.
33. All writings, including but not limited to the Office of the Inspector General (OIG) investigation of the Huntington, WV hearing office, describing, discussing, referring to, or regarding attempts by any other employee to alert the Social Security Administration of judicial wrongdoing, bias, misconduct, incompetence, or any form of irregularity in any judicial decision.
34. All writings which describe, refer to, or mention the relationship between the Hearing Office Director and the effectuating offices, i.e., Payment or Processing Centers, of the Social Security Administration.
35. All writings given to Daniels, shown to Daniels, or made available for review by Daniels which relate to or refer to procedures for referring cases to the Appeals Council.
36. All writings which in any way delimit the use of the first person plural pronoun in 20 CFR Chapter III.
37. All writings which discuss, mention, refer to, or regard any employee's duty to protect the integrity of the programs of the Social Security Administration.
38. All writings regarding or referring to any discussions between Daniels and any employee of or on behalf of the Social Security Administration regarding Daniels' conduct described or referred to in the Notice of Proposed Suspension.
39. All writings describing, summarizing or explaining any discussions between or regarding Daniels and/or any employee of or on behalf of the Social Security Administration regarding Daniels' conduct described or referred to in the Notice of Proposed Suspension.
40. All writings which regard, discuss or refer to the decision, its legal sufficiency, or any known errors found or alleged to exist in the judicial decision issued in the case referred to in Charge No. 1 of the Notice of Proposed Suspension.
41. All writings by any employee of or on behalf of the Social Security Administration regarding or referring to Daniels' conduct.
42. All writings by any employee of or on behalf of the Social Security Administration regarding the performance of the Orange Hearing Office since Daniels assumed his current duties on July 5, 2009.
43. All writings by any employee of or on behalf of the Social Security Administration regarding, referring to, or mentioning the Stage 1 Grievance filed by Daniels on May 18, 2011, or any of the issues raised by Daniels therein.
44. All writings by any employee of or on behalf of the Social Security Administration regarding, referring to, or mentioning the Stage 2 Grievance filed by Daniels on June 3, 2011, or any of the issues raised by Daniels therein.

45. All writings, including but not limited to policies, memoranda, instructions or directives, which discuss, mention, refer to, or regard your duty to protect the confidentiality of employee personnel actions, adverse actions, counseling, or employee disciplinary actions.

# EXHIBIT 2

**Daniels, Thomas**

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**From:** Lam, Joyee  
**Sent:** Monday, August 15, 2011 5:57 PM  
**To:** Daniels, Thomas  
**Subject:** Extension of Time

Tom,

I am responding on behalf of Judge King. Your request for an extension of time has been approved.

You will receive 10 working days from the date of receipt of this email.

Please see the attached requested documents.



Orange.pdf



NOTES OF  
GARTEN OF TOM I

Thank you,  
Joe

Joyee J. Lam  
Acting Regional Attorney Adviser  
Office of Disability Adjudication and Review  
Office of the Regional Chief Judge  
Region IX  
Tel: 866-964-7584 Ext. 20745  
Fax: 415-705-2020



Franklin, Pamela

---

From: Franklin, Pamela  
Sent: Saturday, March 05, 2011 1:58 PM  
To: O'Toole, Kevin  
Cc: Franklin, Pamela; Moore, Inell P.  
Subject: FYI- Issue with a HOD in Orange County- xxx-xx-8739

Kevin,

On 3/4/11, I received a call from Jennifer Horne, Regional Attorney Adviser in ODAR, about a Hearing Office Director that contacted me to protest a decision that came from his office. She needed me to answer a few questions about the conversation I had with Thomas Daniels, HOD in Orange County CA. Ms. Horne's also requested me to sign a statement to the facts of the conversation and fax any notes I maintained about this case. At this time, I have not completed the request. Please advise.

Background:

On Jan 19, 2011, I received a message from Mr. Daniels to contact him about a court remand case ([REDACTED]-8739). We played phone tag for a few days. When we finally spoke on Jan 26, he informed me that a case left his office with a decision that he did not agree was the correct decision. He explained the wage earner was not medically disabled at his DLI and when he listened to the hearing tape the ALJ didn't ask the correct questions pertaining to the disability at the time of the alleged onset. Mr. Daniels asked if we could look into protesting the medical decision and have it referred back to the Appeals Council, which then it would be remanded back to the Orange County Office. He stated, "I know it is ultimately your decision to protest, but I am very embarrassed that this decision left this office."

Mr. Daniels proceeded to explain that the original ALJ that heard and denied the claim was out sick and the case was sent to a fairly new ALJ to preside over the hearing. The ALJ that heard the case didn't ask the right questions and only questioned the wage earner about his current disability and not the disability at the alleged onset. Mr. Daniels stated that I could listen to the hearing proceedings and would see that the decision was a bad decision.

I informed Mr. Daniels that we would look into the case and see what we could do. I met with Val Lightner (DS) and Fran King (CTE) to discuss this case. After review of the case, we agreed that we don't arbitrarily protest a medical decision unless we have received a memorandum from the Field Office or the Appeals Council. The decision did not contain any clerical errors with the DOE and/or filing date nor was insured status an issue, which are areas where SAES can protest. I contacted Maren Weight, ODAR HQ OCALJ, in Falls Church to get some further clarification. She has assisted SAES and OSB with issues with ALJ cases. I explained the situation and she informed me that the HOD should not have contacted me about the decision and to proceed with our normal process. I did as instructed and assumed this was the end of the issue until I received the call from Ms. Horne.

The case had a decision date of December 17, 2010. The case was processed on February 24, 2011 after receiving a manager to manager request that stated it was a congressional interest case.

I am attaching all emails pertaining to this case and I do have a few handwritten notes from the phone conversation.

MAR-17-2011 17:21



RE: Manager to Issue with claim- Court Remand- Reversal-  
Manager [REDACTED]-8739 [REDACTED]-8739

Thanks,

*Pamela S Franklin*  
*Module Manager*  
*Social Security Administration (SSA)*  
*Division of Direct Service Operations (DDSO)*  
*Special Appeals Examining and Class Action Section (S.AES/ CAS)*  
Metro West Bldg 5-N-6 South Block  
PH:410-966-9280  
Fax:410-966-1998  
[pamela.franklin@ssa.gov](mailto:pamela.franklin@ssa.gov)

It's choice- not chance- that determines your destiny- Jean Nidetch

Courage does not always roar; sometimes, it's a quiet voice at the end of the day,  
saying, "I will try again tomorrow" - Marysen Rauhach

**VOICE MESSAGE LOG BOOK**

Date 1/18 Time 8:06 Phone # 5931447  
 Name Tom Daniels Company x 20202  
8739 - protest  
Re - was not he was do

Date 1/18 Time 10:17 Phone # 5931447  
 Name Tom Daniels Company 20202  
Request for Review - bad decision made by DJ  
Appeal Criminal Justice  
appealed decision was made  
His family new long out sick / listen to hearing tape

Date 1/19 Time 3:23 Phone # 7149728413  
 Name Tom Daniels Company 8739  
OHA - Court remand  
Dec 12-16  
1866 5931447 20202

ITEM NO. 44169  
MADE IN USA

**Franklin, Pamela**

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**From:** Franklin, Pamela  
**Sent:** Friday, January 21, 2011 4:14 PM  
**To:** Lightner, Valorie  
**Cc:** Franklin, Pamela  
**Subject:** Reversal-~~5739~~8739

Val,

Please review and take action on reversal.

Thanks,  
Pam

*Pamela S Franklin*  
*Module Manager*  
*Social Security Administration (SSA)*  
*Division of Direct Service Operations (DDSO)*  
*Special Appeals Examining and Case Action Section (S/AES/CAS)*  
Metro West Bldg 5-N-6 South Block  
Ph: 410-597-1310  
Fax: 410-966-1998  
[pamela.franklin@ssa.gov](mailto:pamela.franklin@ssa.gov)

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Courage does not always roar; sometimes, it's a quiet voice at the end of the day,  
saying, "I will try again tomorrow" - Maryann Radmacher

**Franklin, Pamela**

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**From:** Franklin, Pamela  
**Sent:** Monday, January 24, 2011 4:38 PM  
**To:** Daniels, Thomas  
**Cc:** Franklin, Pamela  
**Subject:** Court Remand-

Good Afternoon Mr. Daniels,

We are playing phone tag and keep missing each other. I am following-up with you in reference to account [REDACTED]-8739. I received your message and will wait to hear from you.

Thanks,  
Pam

*Pamela S Franklin*  
*Module Manager*  
*Social Security Administration (SSA)*  
*Division of Direct Service Operations (DDSO)*  
*Special Appeals Examining and Class Action Section (SAES/ CAS)*  
Metro West Bldg 5-N-6 South Block  
Ph: 410-597-1310  
Fax: 410-966-1998  
[pamela.franklin@ssa.gov](mailto:pamela.franklin@ssa.gov)

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saying, "I will try again tomorrow" - Maryann Radmacher

**Franklin, Pamela**

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**From:** Franklin, Pamela  
**Sent:** Wednesday, January 26, 2011 2:37 PM  
**To:** Lightner, Valorie; King, Frances  
**Cc:** Bundy, Myron E.; Franklin, Pamela  
**Subject:** Issue with claim- [REDACTED]-8739

Val/ Fran,

I received a call from the Orange County Hearing Office Director. He feels we should protest case. We will meet and discuss the details of this case upon our return.

Myron~ do not pay this case until further instructions.

Thanks,

*Pamela S Franklin*  
*Module Manager*  
*Social Security Administration (SSA)*  
*Division of Direct Service Operations (DDSO)*  
*Special Appeals Examining and Case Action Section (SAES/ CAS)*  
Metro West Bldg 5-N-6 South Block  
Ph: 410-597-1310  
Fax: 410-966-1998  
[pamela.franklin@ssa.gov](mailto:pamela.franklin@ssa.gov)

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Courage does not always roar; sometimes, it's a quiet voice at the end of the day,  
saying, "I will try again tomorrow" - Maryann Rasmussen



**Franklin, Pamela**

From: Franklin, Pamela  
 Sent: Wednesday, February 23, 2011 11:41 AM  
 To: Bundy, Myron E.  
 Cc: Washington, Gwendolyn; Davies, Jakay; Bacote, Rita; Franklin, Pamela  
 Subject: RE: Manager to Manager

Myron,

Please review and expedite action. Please provide status.

Thanks,  
 Pam

*Pamela S Franklin*

*Module Manager*

*Social Security Administration (SSA)*

*Division of Direct Service Operations (DDSO)*

*Special Appeals Examining and Class Action Section (SAES/ CAS)*

Metro West Bldg 5-N-6 South Block

Ph: 410-966-9280

Fax: 410-966-1998

[pamela.franklin@ssa.gov](mailto:pamela.franklin@ssa.gov)

It's choice- not chance- that determines your destiny- Jean Nidetch

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 saying, "I will try again tomorrow" - Maryann Radmacher

From: Bacote, Rita  
 Sent: Wednesday, February 23, 2011 10:12 AM  
 To: Franklin, Pamela  
 Cc: Washington, Gwendolyn; Davies, Jakay  
 Subject: Manager to Manager

SSN: [REDACTED] 8739

Claimants Name: [REDACTED] Bressel

Subject of Problem: Claim

Field Office 476 Contact Name: [leona.hoffmann@ssa.gov](mailto:leona.hoffmann@ssa.gov)

Field Office 476 Contact Phone Number: (866)964-7255

Requested Response: Email to Contact

Request Reason: Public Relations

Description of Problem: Congressional interest case.. over 60 days from ALJ reversal. Thanks

Message approved by Field Office 476 management.



Court Case Staff  
Fax Cover Sheet

Module Manager: Pamela Franklin  
(410) 597-1310 410 966 9280  
Department Fax # (410) 966-1998

From: Pam Phone # 415

To: Jennifer Horne Fax # 415-705-1614

Pages (Including this page): 8

Comments:

All correspondences have been included.



NOTES OF WEINGARTEN OF TOM DANIELS,

ORANGE HOD, ON FEBRUARY 18, 2011

Layne called Tom at approximately 11:30 a.m. on Friday, February 18, 2011 to talk about the Tom's actions in the case of the claimant [REDACTED]-8739. Layne told Tom that we had received an email regarding this case from Susan Swansiger, who said that she had received a call from the PC Court Branch in Baltimore. Layne read Susan's email to Tom, including the statement from Pamela Franklin in the PC Court Branch that Tom had called her and told her that he thought the ALJ had made a really bad decision in the above-referenced case and that while the HOD had no authority to do anything, he was hoping the PC would protest the favorable decision on its own initiative to the Appeals Council.

Layne asked Tom if he recalled the conversation with Pamela. Tom said that he did. Layne then asked him to explain the circumstances surrounding his call. Tom said that he had received a Congressional inquiry on the case in January 2011, regarding why the decision, which was favorable, had not been effectuated in the month since it had been issued. Tom said he spoke with Judge Hesse about the case and he said that she told him to call the Payment Center to ask why it had not yet been effectuated. Tom found Pamela Franklin's number and tried for a week to get in touch with her. When he finally was able to speak with her, he said that he told her that he did not know why the case had not yet been effectuated, what was going on, and he asked if there was a problem with the case. Pamela apparently told him that she did not know if there was a problem or, if there was, what that problem was. She told him that she would look into it and get back to him.

When Layne asked Tom about what he and Judge Hesse had talked about regarding the case, there was a very long silence on the phone. After about 30 seconds to one minute, Tom stated that he was not trying to stall; it was just that he did not remember what he and Judge Hesse had discussed.

Layne then noted that there was a discrepancy between what Pamela said and what Tom said; and he asked Tom to explain that difference. Tom said that Pamela's account was not correct but he added that he did tell her that there was a problem with the case but that he could not tell her what to do. When Layne asked Tom what the problem was with the case, Tom said that he could not remember what it was. Layne asked him how that could be, given that the case was a Congressional case and that Tom had looked at it just a few weeks prior. Tom reiterated that he did not remember what were the problems with the case and that he had so many cases he dealt with on a daily basis and could not remember this one.

Layne then asked Tom whether he had yet responded to the Congressional inquiry and he said that he had not. Tom stated that he was still waiting to hear from Pamela Franklin and that he had not yet followed up with her. Layne asked him if he understood that it is inappropriate to question an ALJ's decision in the way that Pamela Franklin described and Tom said that he understood but that he did not do that. He just called to see why the decision had not yet been effectuated. He again stated that Pamela Franklin's account, as expressed in the email, is not how he remembered their conversation.

**Daniels, Thomas**

---

**From:** Lam, Joyee  
**Sent:** Wednesday, August 17, 2011 4:36 PM  
**To:** Daniels, Thomas  
**Subject:** RE: Extension of Time

Hi Tom,

I am responding on behalf of Judge King. As an update to your request to Layne Herber, at this stage of the disciplinary process, you are entitled to see the materials relied upon by the proposing official. You have been provided with those materials on August 15, 2011. With regard to the other items you seek, you should consult your manager to see such things as your SF-7B folder and time and attendance reports. Also, as you know, agency policies and procedures may be found on the intranet. Finally, you are free to submit a FOIA request through the agency's normal process for any other information.

Judge King looks forward to receiving your written response on August 30, 2011. Please let me and Judge King know if you wish to schedule an oral presentation and we will make the necessary arrangements.

Thanks,  
Joe

---

**From:** Daniels, Thomas  
**Sent:** Tuesday, August 16, 2011 11:33 AM  
**To:** Lam, Joyee  
**Subject:** RE: Extension of Time

Dear Joe,

Thanks for the email and the documents attached thereto. However, it seems you did not receive or review the Request to Review Materials sent to Layne Herber on August 15, 2011.

I have attached the Request to Review Materials below for your reference.

<< File: Request to Review Material re Proposed Suspension.pdf >>

Please advise if the nine pages you forwarded to me on August 15, 2011 is the complete response to my Request.

Yours truly,

---

Thomas C. Daniels  
Supervisory Attorney/  
Hearing Office Director

ODAR, Orange, CA  
tel. 866-593-1447 x20202  
fax. 714-246-8271

---

**From:** Lam, Joyee  
**Sent:** Monday, August 15, 2011 5:57 PM  
**To:** Daniels, Thomas  
**Subject:** Extension of Time

Tom,

I am responding on behalf of Judge King. Your request for an extension of time has been approved.

You will receive 10 working days from the date of receipt of this email.

Please see the attached requested documents.

<< File: Orange.pdf >> << File: NOTES OF WEINGARTEN OF TOM DANIELS final.docx >>

Thank you,  
Joe

Joyee J. Lam  
Acting Regional Attorney Adviser  
Office of Disability Adjudication and Review  
Office of the Regional Chief Judge  
Region IX  
Tel: 866-964-7584 Ext. 20745  
Fax: 415-705-2020

# EXHIBIT 3

FROM:

Thomas C. Daniels  
6215 Reno Ave  
Temple City, CA 91780  
Email: [tdaniels.esq@gmail.com](mailto:tdaniels.esq@gmail.com)  
Tel: 714-504-9397  
Fax: 928-832-4247

TO:

Social Security Administration  
Office of Privacy and Disclosure  
617 Altmeyer Building  
6401 Security Boulevard  
Baltimore, Maryland 21235  
FAX (410) 966-0869

Sent: March 2, 2012

## PRIVACY ACT REQUEST

EXHIBIT 3  
PAGE 1 OF 7

Thomas C. Daniels  
6215 Reno Ave  
Temple City, CA 91780  
Email: [tdaniels.esq@gmail.com](mailto:tdaniels.esq@gmail.com)  
Tel: 714-504-9397

March 2, 2012

Social Security Administration  
Office of Privacy and Disclosure  
617 Altmeyer Building  
6401 Security Boulevard  
Baltimore, Maryland 21235

SENT VIA FACSIMILE to (410) 966-0869

PRIVACY ACT REQUEST

Dear SSA,

In accordance with 5 USC §552a ("The Privacy Act"), please respond to this request and produce any and all records, documents, writings, and materials in any format, including but not limited to hardcopy or electronic, which are responsive to any of the following numbered requests, as they apply to me, Thomas Clifton Daniels, SSN: 450-57-0521, a current employee of the Social Security Administration.

DEFINITIONS AND INSTRUCTIONS

The following definitions and instructions apply throughout this request for identification and production, unless the context or the statute (5 USC §552a) clearly indicate otherwise:

A. This request asks that the Social Security Administration, hereinafter collectively identified as "you," produce any and all records, writings, documents, materials, emails, and/or notes in any format responsive to any of the following numbered requests which are in your possession or control or subject to your control, wherever they may be located. The writings which you are asked to identify and produce include not only writings which you presently possess, but also writings which are in the possession or control of your attorneys, agents, contractors, employees, representatives, or anyone else acting on your behalf.

EXHIBIT 3  
PAGE 2 OF 7

B. You may produce all writings that are responsive to any of the following numbered requests by delivering copies of or electronic files containing all such records to my home address: 6215 Reno Ave., Temple City, California, 91780.

C. If you prefer, you may produce all writings that are responsive to any of the following numbered requests by delivering copies of or electronic files containing all such writings to me at my place of employment: Thomas C. Daniels, HOD, Orange ODAR/SSA, 1120 W. La Veta Ave., Suite 600, Orange, California 92868.

D. All writings which are responsive in whole or in part to any of the following numbered requests are asked to be produced in full, without abridgement, abbreviation, expurgation, or redaction of any sort. If any such writings cannot be produced in full, please produce the writing to the extent possible and indicate in your written response what portion of the document is not produced and why it could not be produced.

E. The term "writing" as used in this request for identification and production is a broadly inclusive term referring to any and all written or other graphic material, however produced or reproduced, of every kind and description and to everything upon which sounds, words, symbols or pictures are recorded or depicted by magnetic or electrical impulse, photography, or otherwise.<sup>1</sup> The term "writing" includes, by way of example and not limitation, the following and anything similar to any of the following:

1. Letters, telegrams, telexes, cables, emails, TXWs, memoranda, interoffice correspondence, notes, telephone logs/messages, and other forms of correspondence and written communication;
2. Agreements, contracts, policies, handbooks, practice guidelines, reports, studies, records, books, journals, papers, statements, pamphlets, circulars, publications, stenographic notebooks, files and their contents, file folders, file covers, file jackets, and notes;
3. Summaries, abstracts, indexes, tabulations, graphs, charts, lists and inventories;
4. Calendars, desk calendars, appointment books, schedules, logs, telephone messages, diaries, time sheets, minutes of meetings, and transcripts;
5. Pleadings, deposition transcripts, trial transcripts, interrogatories, answers to interrogatories, affidavits, declarations, papers filed or lodged with courts, and papers filed with or sent to or by administrative agencies.

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<sup>1</sup> This definition is intended to be entirely consistent with the definitions included in the statute, particularly the definition of "record," as shown in 5 USC §552a (a)(4), which reads: "the term 'record' means any item, collection, or grouping of information about an individual that is maintained by an agency, including, but not limited to, his education, financial transactions, medical history, and criminal or employment history and that contains his name, or the identifying number, symbol, or other identifying particular assigned to the individual, such as a finger or voice print or a photograph."

6. Tape recordings, sound reproductions, objects, photographs, motion pictures, microfilm, computer data stored on magnetic tape, computer printouts, data processing cards or tapes, and computer disks or diskettes.

F. You are requested to produce not only the original or an exact copy of the original of all writings responsive to any of the following numbered requests, but also all copies of such writings which bear any notes or markings not found on the originals and all preliminary, intermediate, final and revised drafts of such writings.

G. It is not intended that this request require production of any writings or records which are not subject to disclosure under "The Privacy Act." If you are not producing any writing responsive to any of the numbered requests below on the basis of a claimed privilege, or for any other reason, please state the following information:

1. Describe the writing with specificity;
2. Identify the date of the writing;
3. Identify the privilege claimed or other statutory reason why the writing is not produced;
4. State the names and capacities of all persons who participated in the preparation of the writing; and
5. State the names and capacities of all persons to whom the document was circulated or its contents communicated.

H. Consistent with the rights granted under 5 USC §552a (c)(3), please provide me with an accounting of (1) the date, nature, and purpose of each disclosure of any of the requested records to any person or to another agency; and (2) the name and address of the person or agency to whom the disclosure was made.

Thank you very much for your attention to and cooperation on this matter.

Sincerely,



Thomas C. Daniels



REQUEST FOR PRODUCTION OF RECORDS UNDER THE PRIVACY ACT

1. The complete contents of any file or "system of records"<sup>2</sup> maintained in Thomas C. Daniels' name<sup>3</sup>, hereinafter "Employee," or other system of records either directly or remotely regarding Employee by Layne Herber, William J. King, Jr., the Region IX Regional Attorney Adviser (either past or present), the Division of Quality Service, and/or any other employee or office of the Social Security Administration.<sup>4</sup>
2. All writings regarding, relating, or referring to the decision to propose a suspension and the decision to suspend Employee.
3. All writings regarding, relating, or referring to the investigatory interviews conducted with any employee, including but not limited to Hearing Office Chief ALJ Helen E. Hesse, by any employee of the Social Security Administration regarding the subject matter of your Notice of Proposed Suspension regarding the Employee, and mentioning, referencing, or regarding the Employee in any manner.
4. All writings regarding, relating, or referring to the investigatory interview conducted with Employee by any employee of the Social Security Administration, and any notice provided to Employee or any other employee of your intent to conduct said interview.
5. All writings which relate or refer to Employee's suspension, or its proposal, or any reason for Employee's suspension.
6. All writings which were relied on in making, deciding, referencing or supporting the decision to propose Employee's suspension, including but not limited to, all correspondence between any employee of the Region IX ODAR Regional Office, Office of the CALJ, Office of the DCDAR, the Division of Quality Service, the Office of Appellate Operations, Office of the Commissioner of Social Security, and/or any other employee or office of the Social Security Administration.
7. All writings which were relied on in making or supporting the decision to suspend Employee, including but not limited to, all correspondence between any employee of the Region IX ODAR Regional Office, Office of the CALJ, Office of the DCDAR, the Division of Quality Service, the Office of Appellate Operations,

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<sup>2</sup> As defined in 5 USC §552a (a)(5), "the term 'system of records' means a group of any records under the control of any agency from which information is retrieved by the name of the individual or by some identifying number, symbol, or other identifying particular assigned to the individual;

<sup>3</sup> Or any variation of my name, including but not limited to "Tom Daniels," "Thomas Daniels," "Thomas Clifton Daniels," "T. Daniels," etc.

<sup>4</sup> Employee has access to his electronic Official Personnel Folder (eOPF), and any record therein may be excluded.

Office of the Commissioner of Social Security, and/or any other employee or office of the Social Security Administration.

8. All writings regarding or referring to any review or investigation of Employee's conduct which you relied upon to support the proposed or ordered suspension.
9. All writings which support any contention that good cause existed for proposing or ordering Employee's suspension.
10. All writings relating to or referring to any reason for proposing or ordering Employee's suspension.
11. All writings regarding or referring to any discussions between Employee and any other employee of or on behalf of the Social Security Administration regarding Employee's conduct described or referred to in the Notice of Proposed Suspension and/or Decision to Suspend.
12. All writings describing, summarizing or explaining any discussions between or regarding Employee and/or any employee of or on behalf of the Social Security Administration regarding Employee's conduct described or referred to in the Notice of Proposed Suspension.
13. All writings by any employee of or on behalf of the Social Security Administration regarding, referring to, or mentioning the Stage 1 Grievance filed by Employee on May 18, 2011, or any of the issues raised by Employee therein.
14. All writings by any employee of or on behalf of the Social Security Administration regarding, referring to, or mentioning the Stage 2 Grievance filed by Employee on June 3, 2011, or any of the issues raised by Employee therein.
15. All correspondence between James Bentley and Layne Herber and/or William J. King, Jr., or any of them individually or collectively, regarding, referring to, or mentioning any grievance filed by Employee or any of the issues raised by Employee in any grievance, including specifically email correspondence dated on or about June 13, 2011 regarding proper use of form OF-347 and the acquisition of interpreter or translator services by written purchase order.
16. All writings by any employee of or on behalf of the Social Security Administration regarding, referring to, or mentioning the Memorandum that Employee sent to Deputy Commissioner Glenn Sklar on June 29, 2011, or any of the issues raised by Employee therein.
17. All writings describing, summarizing or explaining any discussions between or regarding Employee and/or any other employee of or on behalf of the Social Security Administration regarding any subject raised in Employee's Stage 1 Grievance filed on May 18, 2011, or Stage 2 Grievance filed on June 3, 2011.

18. All writings by any employee of the Social Security Administration regarding, relating to, referencing, or mentioning the Employee's performance appraisal for FY2011.
19. Any and all emails regarding, mentioning, relating to, or referencing Employee or his grievances, FY 2011 PACS appraisal, or suspension, or any of the issues referred to therein, from or to any of the following SSA employees: Layne Herber; Jennifer Horne; William J. King, Jr.; Debra Bice; Glenn Sklar; Barbara Lipski; Kristen Fredricks; James Borland; Susan Swansiger; Jim Julian; James Bentley; John "J.R." Kirkwood; Paul C. Lillios; Pamela Franklin; Gerald Ray; Alan Frank; Meeka Savage Drayton; Maren Weight; Allison Stokes; and Serena Hong.

The preceding numbered requests were submitted to the Social Security Administration as a request under the Privacy Act by Thomas C. Daniels, on this the 2<sup>nd</sup> day of March 2012.



Thomas C. Daniels

# EXHIBIT 4



## SOCIAL SECURITY

Refer to:  
S9H: AH9207

03/06/2012

Thomas Daniels  
6215 Reno Avenue  
Temple City, CA 91780

Dear Thomas Daniels:

We have received your request for records. If you need to contact us about your request, please be sure to refer to the above case number. If you have not heard from us in 30 days and wish to check on the status of your request, please call 410-965-1727. Leave a message and your telephone number. Someone will return your call as soon as possible.

Sincerely,

Dawn S. Wiggins  
Freedom of Information Officer

EXHIBIT 4  
PAGE 1 OF 1

# EXHIBIT 5

**Daniels, Thomas**

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**From:** Daniels, Thomas  
**Sent:** Monday, April 09, 2012 5:27 PM  
**To:** Wiggins, Dawn  
**Subject:** Inquiry regarding S9H: AH9207

Dear Ms. Wiggins,

Regarding the above mentioned Privacy Act request, your letter of March 6, 2012 advised me that if I had not heard from your office in 30 days, I could check on the status of my request.

Would you please advise me concerning the status of my Privacy Act request? I do not believe the information should have been difficult to assemble as most, if not all of it, had already been provided to the Office of Special Counsel within the past few months by OGC in connection with the Special Counsel's investigation into my whistleblower retaliation complaint.

Any response from your office is greatly appreciated.

Sincerely,

---

Thomas C. Daniels  
Supervisory Attorney-Adviser/  
Hearing Office Director  
ODAR, Orange, CA  
tel. 866-593-1447 x20202  
fax. 714-246-8271

EXHIBIT 5  
PAGE 1 OF 3

**Daniels, Thomas**

---

**From:** Microsoft Exchange  
**To:** Wiggins, Dawn  
**Sent:** Monday, April 09, 2012 5:27 PM  
**Subject:** Delivered: Inquiry regarding S9H: AH9207

**Your message has been delivered to the following recipients:**

Wiggins, Dawn

**Subject:** Inquiry regarding S9H: AH9207

---

Sent by Microsoft Exchange Server 2007

EXHIBIT 5  
PAGE 2 OF 3



**Daniels, Thomas**

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**From:** Wiggins, Dawn  
**To:** Daniels, Thomas  
**Sent:** Tuesday, April 10, 2012 4:59 AM  
**Subject:** Read: Inquiry regarding S9H: AH9207

Your message was read on Tuesday, April 10, 2012 4:59:21 AM (GMT-08:00) Pacific Time (US & Canada).

EXHIBIT 5  
PAGE 3 OF 3

# EXHIBIT 6

Thomas C. Daniels  
6215 Reno Ave  
Temple City, CA 91780  
Email: [tdaniels.esq@gmail.com](mailto:tdaniels.esq@gmail.com)  
Tel: 714-504-9397

April 19, 2012

Social Security Administration  
Office of Privacy and Disclosure  
ATTN: Dawn S. Wiggins  
617 Altmeyer Building  
6401 Security Boulevard  
Baltimore, Maryland 21235

SENT VIA FACSIMILE to (410) 966-0869  
And via email to [Dawn.Wiggins@ssa.gov](mailto:Dawn.Wiggins@ssa.gov)

**RE: S9H: AH9207**

Dear Ms. Wiggins,

On April 9, 2012, I emailed you requesting a status update on the above referenced Privacy Act Request. Unfortunately, I still have not heard back from your office, nor have I received any of the documents requested under 5 U.S.C. §552a.

Please consider this final request for production under the Privacy Act. If I do not receive a response by May 3, 2012, I will assume the agency has elected not to honor my request for these documents. Accordingly, I will then seek civil remedies available to me under 5 U.S.C. §552a(g)(1)(B) in the U.S. District Court for the Central District of California.

Thank you very much for your attention to and cooperation on this matter.

Sincerely,



Thomas C. Daniels

EXHIBIT 6  
PAGE 1 OF 6

**Daniels, Thomas**

---

**From:** Daniels, Thomas  
**Sent:** Thursday, April 19, 2012 10:33 AM  
**To:** Wiggins, Dawn  
**Subject:** Request S9H:AH9207

April 19, 2012

Social Security Administration  
Office of Privacy and Disclosure  
ATTN: Dawn S. Wiggins  
617 Altmeyer Building  
6401 Security Boulevard  
Baltimore, Maryland 21235

SENT VIA FACSIMILE to (410) 966-0869  
And via email to [Dawn.Wiggins@ssa.gov](mailto:Dawn.Wiggins@ssa.gov)

**RE: S9H: AH9207**

Dear Ms. Wiggins,

On April 9, 2012, I emailed you requesting a status update on the above referenced Privacy Act Request. Unfortunately, I still have not heard back from your office, nor have I received any of the documents requested under 5 U.S.C. §552a.

Please consider this final request for production under the Privacy Act. If I do not receive a response by May 3, 2012, I will assume the agency has elected not to honor my request for these documents. Accordingly, I will then seek civil remedies available to me under 5 U.S.C. §552a(g)(1)(B) in the U.S. District Court for the Central District of California.

Thank you very much for your attention to and cooperation on this matter.

Sincerely,

/s/

Thomas C. Daniels

---

Thomas C. Daniels  
Supervisory Attorney-Adviser/  
Hearing Office Director

EXHIBIT

PAGE

2

OF

6

ODAR, Orange, CA  
tel. 866-593-1447 x20202  
fax. 714-246-8271

Tracking:

EXHIBIT 6  
PAGE 3 OF 6

**Recipient**

Wiggins, Dawn

'tdaniels.esq@gmail.com'

**Delivery**

Delivered: 4/19/2012 10:33 AM

EXHIBIT 6  
PAGE 4 OF 6

**Daniels, Thomas**

---

**From:** Microsoft Exchange  
**To:** Wiggins, Dawn  
**Sent:** Thursday, April 19, 2012 10:33 AM  
**Subject:** Delivered: Request S9H:AH9207

**Your message has been delivered to the following recipients:**

Wiggins, Dawn

Subject: Request S9H:AH9207

---

Sent by Microsoft Exchange Server 2007

**Daniels, Thomas**

---

**From:** Wiggins, Dawn  
**To:** Daniels, Thomas  
**Sent:** Thursday, April 19, 2012 10:44 AM  
**Subject:** Read: Request S9H:AH9207

Your message was read on Thursday, April 19, 2012 10:44:06 AM (GMT-08:00) Pacific Time (US & Canada).



**UNITED STATES DISTRICT COURT  
CENTRAL DISTRICT OF CALIFORNIA**

**NOTICE OF ASSIGNMENT TO UNITED STATES MAGISTRATE JUDGE FOR DISCOVERY**

This case has been assigned to District Judge Stephen V. Wilson and the assigned discovery Magistrate Judge is Ralph Zarefsky.

The case number on all documents filed with the Court should read as follows:

**CV13 - 10 SVW (RZx)**

Pursuant to General Order 05-07 of the United States District Court for the Central District of California, the Magistrate Judge has been designated to hear discovery related motions.

All discovery related motions should be noticed on the calendar of the Magistrate Judge

=====

**NOTICE TO COUNSEL**

*A copy of this notice must be served with the summons and complaint on all defendants (if a removal action is filed, a copy of this notice must be served on all plaintiffs).*

Subsequent documents must be filed at the following location:

☒ **Western Division**  
312 N. Spring St., Rm. G-8  
Los Angeles, CA 90012

☐ **Southern Division**  
411 West Fourth St., Rm. 1-053  
Santa Ana, CA 92701-4516

☐ **Eastern Division**  
3470 Twelfth St., Rm. 134  
Riverside, CA 92501

Failure to file at the proper location will result in your documents being returned to you.

UNITED STATES DISTRICT COURT, CENTRAL DISTRICT OF CALIFORNIA  
CIVIL COVER SHEET

<b>I (a) PLAINTIFFS</b> (Check box if you are representing yourself <input checked="" type="checkbox"/> ) Thomas Clifton Daniels		<b>DEFENDANTS</b> Social Security Administration	
<b>(b) Attorneys</b> (Firm Name, Address and Telephone Number. If you are representing yourself, provide same.)  Thomas C. Daniels 6215 Reno Ave. Temple City, CA 91780 Tel. 714-504-9397		Attorneys (If Known)	

  

<b>II. BASIS OF JURISDICTION</b> (Place an X in one box only.)  <input type="checkbox"/> 1 U.S. Government Plaintiff <input type="checkbox"/> 3 Federal Question (U.S. Government Not a Party)  <input checked="" type="checkbox"/> 2 U.S. Government Defendant <input type="checkbox"/> 4 Diversity (Indicate Citizenship of Parties in Item III)	<b>III. CITIZENSHIP OF PRINCIPAL PARTIES - For Diversity Cases Only</b> (Place an X in one box for plaintiff and one for defendant.) <table style="width:100%; border-collapse: collapse;"> <tr> <th style="width:40%;"></th> <th style="width:10%; text-align: center;">PTF</th> <th style="width:10%; text-align: center;">DEF</th> <th style="width:30%;"></th> <th style="width:10%; text-align: center;">PTF</th> <th style="width:10%; text-align: center;">DEF</th> </tr> <tr> <td>Citizen of This State</td> <td style="text-align: center;"><input type="checkbox"/> 1</td> <td style="text-align: center;"><input type="checkbox"/> 1</td> <td>Incorporated or Principal Place of Business in this State</td> <td style="text-align: center;"><input type="checkbox"/> 4</td> <td style="text-align: center;"><input type="checkbox"/> 4</td> </tr> <tr> <td>Citizen of Another State</td> <td style="text-align: center;"><input type="checkbox"/> 2</td> <td style="text-align: center;"><input type="checkbox"/> 2</td> <td>Incorporated and Principal Place of Business in Another State</td> <td style="text-align: center;"><input type="checkbox"/> 5</td> <td style="text-align: center;"><input type="checkbox"/> 5</td> </tr> <tr> <td>Citizen or Subject of a Foreign Country</td> <td style="text-align: center;"><input type="checkbox"/> 3</td> <td style="text-align: center;"><input type="checkbox"/> 3</td> <td>Foreign Nation</td> <td style="text-align: center;"><input type="checkbox"/> 6</td> <td style="text-align: center;"><input type="checkbox"/> 6</td> </tr> </table>		PTF	DEF		PTF	DEF	Citizen of This State	<input type="checkbox"/> 1	<input type="checkbox"/> 1	Incorporated or Principal Place of Business in this State	<input type="checkbox"/> 4	<input type="checkbox"/> 4	Citizen of Another State	<input type="checkbox"/> 2	<input type="checkbox"/> 2	Incorporated and Principal Place of Business in Another State	<input type="checkbox"/> 5	<input type="checkbox"/> 5	Citizen or Subject of a Foreign Country	<input type="checkbox"/> 3	<input type="checkbox"/> 3	Foreign Nation	<input type="checkbox"/> 6	<input type="checkbox"/> 6
	PTF	DEF		PTF	DEF																				
Citizen of This State	<input type="checkbox"/> 1	<input type="checkbox"/> 1	Incorporated or Principal Place of Business in this State	<input type="checkbox"/> 4	<input type="checkbox"/> 4																				
Citizen of Another State	<input type="checkbox"/> 2	<input type="checkbox"/> 2	Incorporated and Principal Place of Business in Another State	<input type="checkbox"/> 5	<input type="checkbox"/> 5																				
Citizen or Subject of a Foreign Country	<input type="checkbox"/> 3	<input type="checkbox"/> 3	Foreign Nation	<input type="checkbox"/> 6	<input type="checkbox"/> 6																				

  

**IV. ORIGIN** (Place an X in one box only.)  
☒ 1 Original Proceeding   
 ☐ 2 Removed from State Court   
 ☐ 3 Remanded from Appellate Court   
 ☐ 4 Reinstated or Reopened   
 ☐ 5 Transferred from another district (specify):   
 ☐ 6 Multi-District Litigation   
 ☐ 7 Appeal to District Judge from Magistrate Judge

  

**V. REQUESTED IN COMPLAINT: JURY DEMAND:** ☐ Yes    ☒ No (Check 'Yes' only if demanded in complaint.)  
**CLASS ACTION** under F.R.C.P. 23: ☐ Yes    ☒ No   
 **MONEY DEMANDED IN COMPLAINT:** \$ \_\_\_\_\_

  

**VI. CAUSE OF ACTION** (Cite the U.S. Civil Statute under which you are filing and write a brief statement of cause. Do not cite jurisdictional statutes unless diversity.)  
 Privacy Act, 5 U.S.C. 552a; Complaint for Declaratory and Injunctive Relief to compel agency to release information under the Privacy Act

  

**VII. NATURE OF SUIT** (Place an X in one box only.)
 

<b>OTHER STATUTES</b> <input type="checkbox"/> 400 State Reapportionment <input type="checkbox"/> 410 Antitrust <input type="checkbox"/> 430 Banks and Banking <input type="checkbox"/> 450 Commerce/ICC Rates/etc. <input type="checkbox"/> 460 Deportation <input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations <input type="checkbox"/> 480 Consumer Credit <input type="checkbox"/> 490 Cable/Sat TV <input type="checkbox"/> 810 Selective Service <input type="checkbox"/> 850 Securities/Commodities/Exchange <input type="checkbox"/> 875 Customer Challenge 12 USC 3410 <input type="checkbox"/> 890 Other Statutory Actions <input type="checkbox"/> 891 Agricultural Act <input type="checkbox"/> 892 Economic Stabilization Act <input type="checkbox"/> 893 Environmental Matters <input type="checkbox"/> 894 Energy Allocation Act <input checked="" type="checkbox"/> 895 Freedom of Info. Act <input type="checkbox"/> 900 Appeal of Fee Determination Under Equal Access to Justice <input type="checkbox"/> 950 Constitutionality of State Statutes	<b>CONTRACT</b> <input type="checkbox"/> 110 Insurance <input type="checkbox"/> 120 Marine <input type="checkbox"/> 130 Miller Act <input type="checkbox"/> 140 Negotiable Instrument <input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment <input type="checkbox"/> 151 Medicare Act <input type="checkbox"/> 152 Recovery of Defaulted Student Loan (Excl. Veterans) <input type="checkbox"/> 153 Recovery of Overpayment of Veteran's Benefits <input type="checkbox"/> 160 Stockholders' Suits <input type="checkbox"/> 190 Other Contract <input type="checkbox"/> 195 Contract Product Liability <input type="checkbox"/> 196 Franchise <b>REAL PROPERTY</b> <input type="checkbox"/> 210 Land Condemnation <input type="checkbox"/> 220 Foreclosure <input type="checkbox"/> 230 Rent Lease & Ejectment <input type="checkbox"/> 240 Torts to Land <input type="checkbox"/> 245 Tort Product Liability <input type="checkbox"/> 290 All Other Real Property	<b>TORTS</b> <b>PERSONAL INJURY</b> <input type="checkbox"/> 310 Airplane <input type="checkbox"/> 315 Airplane Product Liability <input type="checkbox"/> 320 Assault, Libel & Slander <input type="checkbox"/> 330 Fed. Employers' Liability <input type="checkbox"/> 340 Marine <input type="checkbox"/> 345 Marine Product Liability <input type="checkbox"/> 350 Motor Vehicle <input type="checkbox"/> 355 Motor Vehicle Product Liability <input type="checkbox"/> 360 Other Personal Injury <input type="checkbox"/> 362 Personal Injury-Med Malpractice <input type="checkbox"/> 365 Personal Injury-Product Liability <input type="checkbox"/> 368 Asbestos Personal Injury Product Liability <b>IMMIGRATION</b> <input type="checkbox"/> 462 Naturalization Application <input type="checkbox"/> 463 Habeas Corpus-Alien Detainee <input type="checkbox"/> 465 Other Immigration Actions	<b>TORTS</b> <b>PERSONAL PROPERTY</b> <input type="checkbox"/> 370 Other Fraud <input type="checkbox"/> 371 Truth in Lending <input type="checkbox"/> 380 Other Personal Property Damage <input type="checkbox"/> 385 Property Damage Product Liability <b>BANKRUPTCY</b> <input type="checkbox"/> 422 Appeal 28 USC 158 <input type="checkbox"/> 423 Withdrawal 28 USC 157 <b>CIVIL RIGHTS</b> <input type="checkbox"/> 441 Voting <input type="checkbox"/> 442 Employment <input type="checkbox"/> 443 Housing/Accommodations <input type="checkbox"/> 444 Welfare <input type="checkbox"/> 445 American with Disabilities - Employment <input type="checkbox"/> 446 American with Disabilities - Other <input type="checkbox"/> 440 Other Civil Rights	<b>PRISONER PETITIONS</b> <input type="checkbox"/> 510 Motions to Vacate Sentence <input type="checkbox"/> 530 General Habeas Corpus <input type="checkbox"/> 535 Death Penalty <input type="checkbox"/> 540 Mandamus/Other <input type="checkbox"/> 550 Civil Rights <input type="checkbox"/> 555 Prison Condition <b>FORFEITURE/PENALTY</b> <input type="checkbox"/> 610 Agriculture <input type="checkbox"/> 620 Other Food & Drug <input type="checkbox"/> 625 Drug Related Seizure of Property 21 USC 881 <input type="checkbox"/> 630 Liquor Laws <input type="checkbox"/> 640 R.R. & Truck <input type="checkbox"/> 650 Airline Regs <input type="checkbox"/> 660 Occupational Safety/Health <input type="checkbox"/> 690 Other	<b>LABOR</b> <input type="checkbox"/> 710 Fair Labor Standards Act <input type="checkbox"/> 720 Labor/Mgmt. Relations <input type="checkbox"/> 730 Labor/Mgmt. Reporting & Disclosure Act <input type="checkbox"/> 740 Railway Labor Act <input type="checkbox"/> 790 Other Labor Litigation <input type="checkbox"/> 791 Empl. Ret. Inc. Security Act <b>PROPERTY RIGHTS</b> <input type="checkbox"/> 820 Copyrights <input type="checkbox"/> 830 Patent <input type="checkbox"/> 840 Trademark <b>SOCIAL SECURITY</b> <input type="checkbox"/> 861 HIA (1395ff) <input type="checkbox"/> 862 Black Lung (923) <input type="checkbox"/> 863 DIWC/DIWW (405(g)) <input type="checkbox"/> 864 SSID Title XVI <input type="checkbox"/> 865 RSI (405(g)) <b>FEDERAL TAX SUITS</b> <input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant) <input type="checkbox"/> 871 IRS-Third Party 26 USC 7609
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FOR OFFICE USE ONLY: Case Number: **CV13-00010 SVW (RZx)**

AFTER COMPLETING THE FRONT SIDE OF FORM CV-71, COMPLETE THE INFORMATION REQUESTED BELOW.

UNITED STATES DISTRICT COURT, CENTRAL DISTRICT CALIFORNIA  
CIVIL COVER SHEET

VIII(a). IDENTICAL CASES: Has this action been previously filed in this court and dismissed, remanded or closed? ☒ No ☐ Yes  
If yes, list case number(s): \_\_\_\_\_

VIII(b). RELATED CASES: Have any cases been previously filed in this court that are related to the present case? ☒ No ☐ Yes  
If yes, list case number(s): \_\_\_\_\_

## Civil cases are deemed related if a previously filed case and the present case:

- (Check all boxes that apply) ☐ A. Arise from the same or closely related transactions, happenings, or events; or  
☐ B. Call for determination of the same or substantially related or similar questions of law and fact; or  
☐ C. For other reasons would entail substantial duplication of labor if heard by different judges; or  
☐ D. Involve the same patent, trademark or copyright, and one of the factors identified above in a, b or c also is present.

## IX. VENUE: (When completing the following information, use an additional sheet if necessary.)

- (a) List the County in this District; California County outside of this District; State if other than California; or Foreign Country, in which EACH named plaintiff resides.  
☐ Check here if the government, its agencies or employees is a named plaintiff. If this box is checked, go to item (b).

County in this District:*	California County outside of this District; State, if other than California; or Foreign Country
Los Angeles County	

- (b) List the County in this District; California County outside of this District; State if other than California; or Foreign Country, in which EACH named defendant resides.  
☒ Check here if the government, its agencies or employees is a named defendant. If this box is checked, go to item (c).

County in this District:*	California County outside of this District; State, if other than California; or Foreign Country

- (c) List the County in this District; California County outside of this District; State if other than California; or Foreign Country, in which EACH claim arose.  
**Note: In land condemnation cases, use the location of the tract of land involved.**

County in this District:*	California County outside of this District; State, if other than California; or Foreign Country
Los Angeles County	

\* Los Angeles, Orange, San Bernardino, Riverside, Ventura, Santa Barbara, or San Luis Obispo Counties

**Note:** In land condemnation cases, use the location of the tract of land involved

X. SIGNATURE OF ATTORNEY (OR PRO PER) Thomas Chan Date JAN 02 2013

**Notice to Counsel/Parties:** The CV-71 (JS-44) Civil Cover Sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law. This form, approved by the Judicial Conference of the United States in September 1974, is required pursuant to Local Rule 3-1 is not filed but is used by the Clerk of the Court for the purpose of statistics, venue and initiating the civil docket sheet. (For more detailed instructions, see separate instructions sheet.)

## Key to Statistical codes relating to Social Security Cases:

Nature of Suit Code	Abbreviation	Substantive Statement of Cause of Action
861	HIA	All claims for health insurance benefits (Medicare) under Title 18, Part A, of the Social Security Act, as amended. Also, include claims by hospitals, skilled nursing facilities, etc., for certification as providers of services under the program. (42 U.S.C. 1935FF(b))
862	BL	All claims for "Black Lung" benefits under Title 4, Part B, of the Federal Coal Mine Health and Safety Act of 1969. (30 U.S.C. 923)
863	DIWC	All claims filed by insured workers for disability insurance benefits under Title 2 of the Social Security Act, as amended; plus all claims filed for child's insurance benefits based on disability. (42 U.S.C. 405(g))
863	DIWW	All claims filed for widows or widowers insurance benefits based on disability under Title 2 of the Social Security Act, as amended. (42 U.S.C. 405(g))
864	SSID	All claims for supplemental security income payments based upon disability filed under Title 16 of the Social Security Act, as amended.
865	RSI	All claims for retirement (old age) and survivors benefits under Title 2 of the Social Security Act, as amended. (42 U.S.C. (g))

Name & Address:  
 THOMAS C. DANIELS  
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 6215 Reno Ave.  
 Temple City, CA 81780  
 Plaintiff, Pro Se

# FOR OFFICE USE ONLY

UNITED STATES DISTRICT COURT  
 CENTRAL DISTRICT OF CALIFORNIA

Thomas Clifton Daniels,

CASE NUMBER

CV13-00010 SVW (RZx)

PLAINTIFF(S)

v.

Social Security Administration,

SUMMONS

DEFENDANT(S).

TO: DEFENDANT(S):

A lawsuit has been filed against you.

Within 60 days after service of this summons on you (not counting the day you received it), you must serve on the plaintiff an answer to the attached ☒ complaint ☐ \_\_\_\_\_ amended complaint ☐ counterclaim ☐ cross-claim or a motion under Rule 12 of the Federal Rules of Civil Procedure. The answer or motion must be served on the plaintiff's attorney, Thomas C. Daniels, Pro Se, whose address is 6215 Reno Ave., Temple City, CA 91780. If you fail to do so, judgment by default will be entered against you for the relief demanded in the complaint. You also must file your answer or motion with the court.

Clerk, U.S. District Court

**LORI WAGERS**

Dated: 1-2-13

By: \_\_\_\_\_  
 Deputy Clerk

(Seal of the Court)



[Use 60 days if the defendant is the United States or a United States agency, or is an officer or employee of the United States. Allowed 60 days by Rule 12(a)(3)].

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